

AMENDED IN ASSEMBLY MARCH 14, 2016
AMENDED IN ASSEMBLY FEBRUARY 24, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1589

Introduced by Assembly Member Mathis
(Coauthors: Assembly Members Brough, Chang, Gallagher, Harper,
Olsen, and Steinorth)
(Coauthors: Senators Bates, Berryhill, and Huff)

January 6, 2016

An act to add Section 21080.47 to the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL’S DIGEST

AB 1589, as amended, Mathis. California Environmental Quality Act: ~~exemption~~. *exemption: drought mitigation*.

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts certain projects from its requirements.

The California Emergency Services Act authorizes the Governor, during a state of emergency, to issue a proclamation of a state of

emergency and to suspend any regulatory statute where the Governor determines and declares that strict compliance with the statute would prevent, hinder, or delay the mitigation of the effects of the emergency.

This bill would, for the duration of a state of emergency proclaimed by the Governor due to ~~drought, flood, or fire~~, *drought conditions*, exempt from the requirements of CEQA *certain* projects that are undertaken, carried out, or approved by a public agency to mitigate ~~the effects of, or conditions caused by, drought, flood, or fire~~. *those drought conditions*.

Because a public agency would be required to determine whether this exemption applies, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21080.47 is added to the Public Resources
- 2 Code, to read:
- 3 21080.47. (a) This division ~~shall~~ *does* not apply to projects
- 4 *specified in subdivision (b)* that are undertaken, carried out, or
- 5 approved by a public agency to mitigate ~~the effects of, or conditions~~
- 6 ~~caused by, drought, flood, or fire~~ *drought conditions* for which a
- 7 state of emergency has been proclaimed by the Governor pursuant
- 8 to Chapter 7 (commencing with Section 8550) of Division 1 of
- 9 Title 2 of the Government Code.
- 10 (b) *The section applies to projects to do any of the following:*
- 11 (1) *Connect existing residential users facing critical water*
- 12 *shortages to community water systems.*
- 13 (2) *Provide interconnections between existing community water*
- 14 *systems to improve drought resilience for existing residential users.*
- 15 (3) *Involve the construction or expansion of stormwater*
- 16 *infiltration or recycled water treatment facilities.*
- 17 (4) *Involve the construction or expansion of recycled water*
- 18 *distribution infrastructure within existing rights of way.*

1 (5) *Implement specific directives for which the Governor, in the*
2 *proclamation of a state of emergency, has suspended compliance*
3 *with this division pursuant to Section 8571 of the Government*
4 *Code.*

5 ~~(b)~~

6 (c) This section is operative only while a state of emergency
7 due to ~~drought, flood, or fire~~ *drought conditions* is in effect.

8 SEC. 2. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 a local agency or school district has the authority to levy service
11 charges, fees, or assessments sufficient to pay for the program or
12 level of service mandated by this act, within the meaning of Section
13 17556 of the Government Code.

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